

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON, DIVISION

KEDRIC CRAWFORD

PLAINTIFFS,

V.

CITY OF BAYTOWN, et al.

DEFENDANTS.

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Civil Action No. 4:20-cv-03003

JURY DEMANDED

MOTION TO RECONSIDER ORDER TERMINATING PENDING

DISPOSITIVE MOTIONS

TO THE JUDGE CHRISTINA BRYANT:

Plaintiff respectfully comes before this Honorable Court and files this Motion for Reconsideration of April 12, 2025, Order issued *sua sponte* terminating pending single remaining defendant's dispositive motion on the limited issue of qualified immunity after the case was bifurcated.

The Plaintiff is prejudiced and harmed by further prolonging this case, originally filed in July 2020, by terminating the fully briefed qualified immunity summary judgment motions. This matter has been pending against the defendant, Teddy Sims, since July 2021. Dkt. 1. The termination of the pending motions will cause additional unnecessary delays in this five year old case.

The pending motion was terminated due to the pending appeal of the severed and separate case. This appeal is not interlocutory. The appealed case is no longer associated

with this case; both cases can stand on their own. The briefing on the narrow issue of qualified immunity has been completed since November 2024, nearly five months. Dkt 177, 178.

Instead of terminating the case, a ruling on the pending summary judgment based on qualified immunity would allow the case to move forward more quickly and consolidate any appellate issues. As it is likely any ruling would result in an appeal in the Fifth Circuit.

After this court rules on the limited issue of qualified immunity, there are two potential outcomes:

If the court denies qualified immunity, the defendant, Teddy Sims, can file an interlocutory appeal. Crawford can respond with a motion to dismiss, arguing that the interlocutory appeal is frivolous.

If the court grants qualified immunity, the plaintiff, Kedric Crawford, can file an appeal and may choose to consolidate the case on appeal with the currently pending matter.

The Fifth Circuit court has not provided a timeline for its ruling in the current case on appeal due to the complex issues involved, which include twelve appellees with varying interests. These appellees are the City of Baytown, TX, Keith Dougherty, Nathaniel Brown, Shane Michael Dunlap, Ed Gonzalez, Harris County, Ivan Martinez, Alyssa McDaniel, Bryce Perkins, Bret Rasch, Laxman Sundar, and Kevin Dunlap. Given that appeals can take month even years to conclude, and the issues in this case do not overlap, and the possibility of an affirmation of the dismissals by the Fifth Circuit the terminations would only then continue and the result is an unnecessary delay.

Conclusion

Plaintiff respectfully requests that this Court reconsider its order terminating the

following motions without prejudice; Dkt. 173 Motion for Partial Summary Judgment; Dkt. 177 Motion for Summary Judgment. Dkt. 178.

Plaintiff believes that reinstating these motions is essential to the efficient and fair progression of this case, and that their termination without prejudice will result in substantial and undue prejudice to Plaintiff. By allowing these motions to proceed, the Court can prevent unnecessary delays, conserve judicial resources, and ensure that Plaintiff's claims are adjudicated in a timely and just manner.

Plaintiff further asserts that the Court's reconsideration of its order is in the interests of justice and judicial economy. Without the opportunity to have these motions heard and decided, Plaintiff will be forced to potentially and likely relitigate the same issues, leading to a duplication of appeal effort and a waste of both the Court's and the parties' time and resources.

Respectfully submitted,
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and the foregoing document has been sent to all known counsel by e-service/ECF, first class mail, electronic mail, telecopy, hand delivery, and/or certified mail, return receipt requested on all parties of record who have made an appearance in this case on the date of this filing April 25, 2025.

/s/ U.A. Lewis
U.A. Lewis